

Message Text

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INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-12

ACDA-19 AEC-11 CG-00 COME-00 DOTE-00 FMC-04 INT-08

JUSE-00 NSF-04 OMB-01 TRSE-00 SCEM-02 CEQ-02 EPA-04

RSR-01 /224 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC 548

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 3706

E.O. 11652: GDS

TAGS: PBOR, UN

SUBJ: SEABED DELEGATION; LIAISON REPORT 11-16 JULY

1. A. CANADA/AUSTRALIA. CANDELOFF SHOWED DELOFF REPORT CONTAINING MAPS OUTLINING AREAS CANADA HAS ISSUED PERMITS FOR OR LEASED. SOME AREAS, PARTICULARLY EAST OF NEWFOUNDLAND, EXTEND 400 MILES OFFSHORE AND FAR BEYOND 200-METER DEPTH. CONCESSIONS MADE TO COMPANIES IN GOOD FAITH ON BASIS 58 GENEVA CONVENTION EXPLOITABILITY CLAUSE, AND DELOFF DOESN'T SEE HOW GOC CAN RENEGE. INCIDENTALLY, WITH 80 EXPLORATORY WELLS OFFSHORE NO OIL OF CONSEQUENCE AND ONLY MODERATE GAS FOUND OFF EASTERN CANADA.

B. AUSTRALIA AND ESPECIALLY CANADA CONCERNED ABOUT COUNCIL REPRESENTATION. US FORMULA OFFERS 4 (OF 24) SEATS TO STATES LIKE CANADA AND AUSTRALIA; CANADA FEELS THEY MUST BE ON COUNCIL.

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C. AUSTRALIA FAVORS ENTERPRISE SYSTEM AS PRACTICED

FOR HYDROCARBON EXPLOITATION IN INDONESIA (WITH COMPETITIVE BIDDING FOR LEASES), FOR EXPLOITATION OF MANAGANESE NODULES. ALBERS CITED DIFFICULTIES WITH THIS SYSTEM AND US OPPOSITION CITING UNFAIRNESS IN BIDDING COMPETITION AFTER ALL EXPLORATORY WORK DONE BY ONE COMPANY. AUSTRALIA DELOFF'S ENTHUSIASM DIMMED WHEN HE ADMITTED PROBLEM.

2. EGYPT. HAMID INQUIRED ABOUT RUMORS THAT US WORKING ON NEW STRAITS ARTICLE.
DELOFF DENIED KNOWLEDGE OF ANY NEW DRAFT.
HAMID URGED US REVISE STRAITS POSITION SAYING EGYPT COULD NOT CONSIDER US PROPOSAL IN LIGHT OF CURRENT MID EAST SITUATION, BUT COULD IF IT SETTLED. EGYPT HAS TO CONSIDER BAB-EL-MANDEB AND GIBRALTAR AND DOES NOT DESIRE FOREIGN WARSHIPS IN RED SEA.

3. USSR. DR. P.D. BARABOLIA THRU INTERPRETER DR. B.G. KHABIROV TOLD DOD DELOFFS: A. ALTHOUGH SOVDEL DIVIDED ON SOV POSITION ON CONTINENTAL SHELF THEY WOULD ANNOUNCE (AND DID 11 JULY) SUPPORT FOR DEPTH STANDARD FOR EDGE OF CONTINENTAL MARGIN (500 METERS), AND DISTANCE STANDARD FOR COASTAL STATES WITHOUT SHELF (100 MILES).

B. IN APPARENT RESPONSE TO EARLIER REQUEST THAT SOVS USE INFLUENCE WITH ARABS ON STRAITS, BARABOLIA ASKED IF US HAD INFLUENCE WITH GREEK AND SPANISH DELEGATIONS ON THIS ISSUE. DELOFFS ADMITTED LITTLE INFLUENCE BUT INDICATED INTENT TO CONTINUE WORK WITH THEM.

4. FIJI DELOFF ANNOUNCED PREPARATION OF STRAITS ARTICLES WHICH WILL REFER TO NAVIGATIONAL RIGHTS BY CROSS REFERENCE TO ANOTHER SET OF ARTICLES THEY ARE PREPARING. TRANSIT RIGHT WILL BE INNOCENT PASSAGE. FREE TRANSIT SO INFLAMMATORY THAT FIJI STATUS WITH OTHER ARCHIPELAGO STATES ALMOST JEOPARDIZED WHEN THEY SUGGESTED IT. ARCHIPELAGO STATES HAVE BEEN MEETING AND SOURCE STATES PHILIPPINES CONSIDER THEIR CONSTITUTION SACROSANCT AND ARE INTRACTIBLE. FIJI ARTICLES
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CONSIDERED TOO LIBERAL BY ARCH STATES AND WILL BE SUBMITTED ALONE, POSSIBLY BY 17 JULY DEADLINE.

5. FINLAND. HOLGER ROTKIRCH DISCUSSED GULF OF BOTHNIA WITH DELOFF AND STATED SINCE ENTRANCE TO GULF LESS THAN 6 MILES WIDE AND HAS AREA OF HIGH SEAS INSIDE, FINLAND CONCERNED US ARTICLES WOULD IMPOSE FREE TRANSIT IN AREA IN WHICH RIGHTS OF COASTAL STATES

HAVE BEEN RECOGNIZED IN PAST.

6. ZAMBIA. DELOFF EXPRESSED GREAT INTEREST IN US PROPOSAL FOR COMPULSORY DISPUTE SETTLEMENT INDICATING THIS PROCEDURE MAY PRODUCE SOME ORDER IN "PRESENT CONTINENTAL SHELF LAND GRAP".

7. TURKEY. DR. S. DEMIRSOY TOLD DELOFF OF STRONG SUPPORT FOR FREE TRANSIT, AND PREFERENCE FOR DISTANCE LIMIT ON SEABEDS EXCEPT WHERE SHELF EXCEEDS DISTANCE WHEN DEPTH (5-600 METERS) SHOULD APPLY. FAVORS INTERNATIONAL STANDARDS AND DISPUTE SETTLEMENT; INDEFINITE ON REVENUE SHARING. SOURCE FAVORS LIMITING POWERS OF COUNCIL AND FAVORS LICENSING, AND DISPUTE SETTLEMENT BY TRIBUNAL. HE BELIEVES ECONOMIC IMPLICATIONS SHOULD BE EVALUATED 1 OR 2 YEARS AFTER NODULE MINING BEGINS. HE FAVORS INTERNATIONAL POLLUTION STANDARDS, AND ON SCIENTIFIC RESEARCH (SR) FAVORS NOTICE AND PARTICIPATION BUT NOT CONSENT. DATA, RESULTS, AND SAMPLES SHOULD BE AVAILABLE TO COASTAL STATE. FREEDOM OF SR SHOULD BY ALL MEANS BE MAINTAINED IN DEEP SEABED BUT INTERNATIONAL COORDINATION MECHANISM TO AVOID DUPLICATION OF EFFORT.

8. GHANA. SOURCE INDICATED WILLINGNESS TO INCLUDE FISHERIES ALONG WITH SEABEDS IN ECONOMIC ZONE SINCE NECESSARY TO REMOVE IMPORTANT DISTANT FISHING FLEETS FROM COAST OF WEST AFRICA. REGIONAL ARRANGEMENTS WOULD ALLOW EXTENSIVE GHANIAN DISTANT FISHING TO PROSPER, BUT HE RECOGNIZED DIFFICULTIES INHERENT IN ACHIEVING COOPERATION

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9. INDIA. SOURCE INDICATED ARRANGEMENTS WITH AFRICANS TO HAVE THEIR PROPOSED FISHERIES REGIMES COINCIDE AS CLOSELY AS POSSIBLE. SINCE PROBLEM WAS RESOLVED INDIA WILL SUBMIT FISHERIES PROPOSAL. IN BROADEST TERMS SOURCE STATED ANADROMOUS STOCKS WOULD NOT BE MENTIONED SINCE INDIA HAS NO INTEREST IN THEM, BUT HIGHLY MIGRATORY SPECIES WOULD BE UNDER INTERNATIONAL CONTROL RATHER THAN COASTAL STATE. (COMMENT: USDEL BELIEVES INDIA WILL PRODUCE BLEND OF INTERNATIONAL AND COASTAL STATE CONTROLS.)

10. CYPRUS. IN RESPONSE TO QUERY ABOUT INTENTIONS OF COSPONSORS OF STRAITS ARTICLE THIS SESSION SOURCE RECOGNIZED SUBSTANTIAL CRITICISM REGARDING SUBJECTIVE NATURE OF INNOCENT PASSAGE CONCEPT IN THEIR DRAFT ARTICLES. COSPONSORS ATTEMPTING TO REWORK ARTICLES TO MAKE STRAITS PROPOSALS MORE GENERALLY ACCEPTABLE. SOURCE STATED CONTINENTAL STATES SHOULD NOT BE PRECLUDED FROM DRAWING BASELINES AROUND ARCHIPELAGO GROUPS BELONGING TO THEM AND MENTIONED SPECIFICALLY CONFIDENTIAL

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SPAIN AND GREECE. CONTINUING, HE ARGUED THAT COASTAL STATES HAVING ISLANDS (E.G. FRANCE/CORSICA) SHOULD HAVE SAME RIGHTS AS ISLAND NATIONS ON OCEAN CLAIMS.

11. GREECE. SOURCE OPPOSES COASTAL STATE POLLUTION STANDARDS ON ENFORCEMENT, EQUATING THEM TO PIRACY, AND INDICATES SUPPORT FOR US PAPER L36 IN SC III.

12. SRI LANKA. IN A MEETING WITH STEVENSON, CHAIRMAN AMERASINGHE INDICATED THAT HE FELT THAT THE REPORT OF THE SUMMER SESSION SHOULD LIMIT ITSELF TO REPRODUCING THE ALTERNATE TEXTS OF THE TREATY ARTICLES TOGETHER WITH A BRIEF HISTORIC SUMMARY AND SHOULD NOT ATTEMPT TO REFLECT THE STATEMENTS MADE BY DELEGATIONS IN THE COMMITTEE OR SUBCOMMITTEE SESSIONS. HE IS WORKING TO OBTAIN GENERAL ACCEPTANCE OF THE RULES USED IN THE CONFERENCE ON THE LAW OF TREATIES WITH PARTICIPATION OF PERMANENT MEMBERS OF THE SECURITY COUNCIL IN THE

BUREAU AND DRAFTING COMMITTEE. HOWEVER, HE IS DOING THIS BY ASKING ACCEPTANCE OF THE LAW OF TREATIES CONFERENCE ARRANGEMENTS RATHER THAN BY TALKING SPECIFICALLY ABOUT PARTICIPATION BY THE PERMANENT MEMBERS OF THE SECURITY COUNCIL.

13. TANZANIA. A. AT MEETING WITH STEVENSON, WARIOBA, CHAIRMAN OF TANZANIA DELEGATION, INDICATED THAT HE THOUGHT THE AFRICANS WOULD BE MORE RESPONSIVE TO THE US ON THE STRAITS QUESTION WHEN THEY WERE CONVINCED THAT WE WERE TAKING SERIOUSLY IN TO ACCOUNT THEIR INTEREST IN AN ECONOMIC ZONE. WITH RESPECT TO STRAITS, HE EMPHASIZED THE AFRICAN COUNTRIES PRIMARY CONCERN IS WITH BEING PROTECTED AGAINST POLLUTION FROM TANKERS AND SECURITY. HE QUESTIONED WHETHER IT WOULD NOT BE POSSIBLE TO LIMIT THE NUMBER OF STRAITS THROUGH WHICH UNIMPEDED TRANSIT WOULD APPLY.

B. WITH RESPECT TO THE DEEP SEABEDS, STEVENSON INDICATED THE GREAT CONCERN OF THE U.S. GOVERNMENT AND CONGRESS WITH ACCESS FOR U.S. COMPANIES TO THE DEEP SEABED AND PROTECTION OF OUR INTERESTS IN THE VOTING PROCEDURES FOR THE SEABED AUTHORITY. WARIOBA
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FELT THERE SHOULD BE NO DIFFICULTY IN OBTAINING GUARANTEED ACCESS FOR U.S. COMPANIES IN THE DEEP SEABED BUT THAT THE AUTHORITY SHOULD ITSELF HAVE THE RIGHT AT SOME FUTURE DATE TO ALSO EXPLOIT THE SEABED. WITH RESPECT TO VOTING RIGHTS, HE INDICATED THAT WHILE HE THOUGHT IT WOULD BE IMPOSSIBLE TO NEGOTIATE A SINGLE-COUNTRY VETO HE THOUGHT IT WOULD BE POSSIBLE TO OBTAIN A FORMULA OF REPRESENTATION ON THE COUNCIL WHICH, COMBINED WITH THE TWO-THIRDS VOTING REQUIREMENTS, WOULD PROTECT THE DEVELOPED COUNTRIES. HE STRESSED THE IMPORTANCE OF REACHING AGREEMENT ON ALL SUBSTANTIAL QUESTIONS AT THE SANTIAGO CONFERENCE.

14. LIBERIA. SOURCE STATED AFRICAN STATES REDUCING OAU DECLARATION TO TREATY LANGUAGE AND HOPE FOR SUBMISSION BY 20 JULY. ECONOMIC ZONE WILL ENCOMPASS NOT ONLY SEABED AND FISHERY RESOURCE CONTROL BUT ALSO POLLUTION AND SCIENTIFIC RESEARCH IN AREA. SOURCE IS CONCERNED ABOUT POLLUTION CONTROLS DUE LIBERIA'S INVOLVEMENT AS FLAG OF CONVENIENCE STATE. DRAFTING BEING DONE BY SMALL GROUP AND LIBERIA NOT INCLUDED.
END

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